

**FILED****Apr 12 - 2024**

John M. Domurad, Clerk

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

**UNITED STATES DISTRICT COURT**

for the

Northern District of New York



\_\_Syracuse\_\_ Division

Shai Harris, Ronald Jay Williams Living Trust Dated  
11/16/2017

Case No. 6:24-cv-513 (BKS/TWD)

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Andrew A. Dioli, RushMyFile, Inc. Asset Default Management, Inc. DBA Superior Loan Servicing, Nevada Funding, LLC, Baruch A. Harari ; City National Bank, Funding Rush, Inc. "see attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Shai Harris
Street Address	328 Ritter Road
City and County	Little Falls
State and Zip Code	New York, 13365
Telephone Number	(844) 428-5331 Ext.3
E-mail Address	theranchesinternational@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Nevada Funding, LLC
Job or Title <i>(if known)</i>	Manager, John Gordon
Street Address	9030 W SAHARA AVE. UNIT 411
City and County	Las Vegas, Clark County
State and Zip Code	Nevada, 89117
Telephone Number	(702) 236-6698
E-mail Address <i>(if known)</i>	rcbil@yahoo.com

## Defendant No. 2

Name	Asset Default Management, Inc. DBA Superior Loan Servicing
Job or Title <i>(if known)</i>	Mortgage Servicer / Mortgage Originator
Street Address	7525 Topanga Canyon Blvd.
City and County	Canoga Park, Los Angeles
State and Zip Code	California, 91303
Telephone Number	(818) 483-0027
E-mail Address <i>(if known)</i>	info@superiorloanservicing.com

## Defendant No. 3

Name	Andrew Adrian Dioli
Job or Title <i>(if known)</i>	Mortgage Originator / Mortgage Broker
Street Address	2 Miraloma Dr
City and County	San Francisco
State and Zip Code	California, 94127
Telephone Number	(415) 724-8588
E-mail Address <i>(if known)</i>	andrewdioli@yahoo.com

## Defendant No. 4

Name	Baruch Alon Harari
Job or Title <i>(if known)</i>	Mortgage Broker
Street Address	9416 Water Flow CtLas Vegas, NV 89134
City and County	Las Vegas, Clark County
State and Zip Code	Nevada, 89134
Telephone Number	(818) 222-7888
E-mail Address <i>(if known)</i>	barry@superiorloanservicing.com

## **Full List of Defendants**

### **City National Bank**

555 S. Flower Street, 18<sup>th</sup> Floor  
Los Angeles, CA, 90071

### **Andrew Adrian Dioli**

2 Miraloma Drive  
San Francisco, CA 94127

### **RushMyFile, Inc.**

380 Beach Road, Ste D  
Burlingame, CA, 94010

### **Asset Default Management, Inc.**

DBA: Superior Loan Servicing  
7525 Topanga Canyon Blvd  
Canoga Park CA, 91303

### **Baruch Alon Harari**

9416 Water Flow CT  
Las Vegas, Nevada, 89134

### **Lil Wave Financial, Inc.**

DBA: Superior Loan Servicing  
8920 West Tropicana Avenue #103  
Las Vegas, Nevada, 89147

### **Funding Rush, Inc.**

380 Beach Road, Ste R  
Burlingame CA, 94010

**Nevada Funding, LLC**

9030 W Saharah Ave #411  
Las Vegas, Nevada, 89117

**Waldman Kalahar & Associates, PLLC**

315 Madison Avenue, 3<sup>RD</sup> Floor  
New York, NY, 10017

**Babinec Family Trust Dated 7/16/1995**

25 Waverly Place  
Little Falls, NY, 13365

~~Rock City Amsterdam Holdings, LLC~~

~~142 Millennium Court~~

~~Little Falls, NY, 13365~~ S.H.

**Teresa Ann Gorman**

20351 Irvine Avenue #C3  
Newport Beach CA, 92660

**Ruben Roberto Martinez**

20351 Irvine Avenue #C3  
Newport Beach CA, 92660

**Douglas James Burton**

1001 Wellington Road  
San Dimas, CA, 91773

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Shai Harris, is a citizen of the  
State of *(name)* New York.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* Ronald Jay Williams Trust dated 11/16/2017, is incorporated  
under the laws of the State of *(name)* Delaware,  
and has its principal place of business in the State of *(name)*  
Delaware.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* Andrew A. Dioli, is a citizen of  
the State of *(name)* California. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, *(name)* Asset Default Management, Inc., is incorporated under the laws of the State of *(name)* California, and has its principal place of business in the State of *(name)* California.  
 Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* California.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:  
 The value of damages exceeds \$75,000.00 (exceeding seventy five thousand)

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The Plaintiff has been rushed into unconscionable mortgage agreements, that include usury, champerty, and provisions that enable fiduciary breach by use of a power coupled with an interest. During a sequence of paying off multiple loans to the same servicer/lender, the Plaintiff experienced bad faith accelerated mortgage litigation that also accelerated interest rates, and also accelerated interest on the legal fees of the Defendant(s) counsel strategically assigning contingency based legal fees to the Plaintiff. On March 09, 2022, The Plaintiff paid off a California loan to the Servicer Superior Loan Servicing. On February 22, 2022, the Defendant accelerated a mortgage default in California, on August 18, 2022 the Defendant accelerated a mortgage default in New York.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff asks that the court order provide punitive money damages in the amount of \$10,000,000.00, exemplary damages, treble damages, legal fees, and other damages associated with mortgage origination misconduct, usury, champerty, and intentional infliction of emotional distress. These damages continue to accumulate during the present time, across state lines, and include multiple assets of the Plaintiff.

The Plaintiff asks that the court restore possession and title of property comprimised by the defendant(s) and deem all unconscionable agreements, clauses, and provisons void ab initio, That all pending matters be stayed.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 10, 2024

Signature of Plaintiff

Printed Name of Plaintiff

Shai Harris

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address